

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

**GEORGE NICHOLS,**

**Plaintiff,**

**v.**

**Case No.: 2:11-CV-00206**

**RAILSERVE, INC. and  
DUPONT FILAMENTS-AMERICAS, LLC**

**Defendants.**

**AGREED PARTIAL DISMISSAL ORDER**

Pursuant to Rule 41(a)2 of the Fed. R. Civ. P., Plaintiff and Defendant, Railserve Inc., by counsel, informed the Court that Plaintiff has agreed to the voluntary dismissal, with prejudice, of his claims against Railserve, Inc. as Plaintiff concedes he lacks the necessary proof to support those claims. Co-Defendant DuPont Filament Americas, LLC has no objection to the entry of this Agreed Partial Dismissal Order. The Court, without objection, **ORDERED** that Railserve, Inc. be and hereby is dismissed with prejudice. Each party is to bear its own costs. The Clerk is directed to send a certified copy of this Order to all counsel of record.

Entered this 8<sup>th</sup> day of December, 2011.

Prepared by:

/s/ Shawn P. George  
Shawn P. George, Esquire  
(WV State Bar #1370)  
George & Lorensen, P.L.L.C.  
1526 Kanawha Blvd., East  
Charleston, West Virginia 25311  
PH: (304) 343-5555  
Fax: (304) 342-2513  
[sgeorge@gandllaw.com](mailto:sgeorge@gandllaw.com)  
*Counsel for Railserve, Inc.*

Approved by:

/s/ Greg Hewitt  
Greg Hewitt, Esquire  
(WV State Bar #7457)  
Hewitt & Salvatore, PLLC  
204 N Court Street  
Fayetteville, WV 25840  
PH: (304) 574-0272  
Fax: (304) 574-0273  
[ghewitt@hewittsalvatore.com](mailto:ghewitt@hewittsalvatore.com)  
*Counsel for Plaintiff*

/s/ Paula Durst

Paula Durst, Esquire  
(WV State Bar #5805)  
Spilman Thomas & Battle PLLC  
Spilman Center  
300 Kanawha Blvd., East  
Charleston, WV 25301  
PH: (304) 340-3834  
Fax: (304) 340-3801  
[pdurst@spilmanlaw.com](mailto:pdurst@spilmanlaw.com)